



Testimony  
Betsy Gara  
Executive Director  
Connecticut Council of Small Towns  
Before the GAE Committee  
March 16, 2015

The Connecticut Council of Small Towns (COST) appreciates the opportunity to comment in support of the provisions in HB-7000, AN ACT CONCERNING GOVERNMENT ADMINISTRATION, relating to state agency regulations.

In addition to addressing concerns raised by businesses regarding the application of agency regulations, COST urges lawmakers to support efforts to assist municipalities that are overburdened by the implementation of agency regulations that impose burdensome, unfunded mandated on towns and their property taxpayers.

COST supports legislation to help shine a spotlight on proposed state agency regulations that exceed federal standards or procedures. When state agencies promulgate regulations that are more stringent than the federal requirements it is often unclear until the regulations are adopted. This practice imposes unnecessary compliance burdens and costs on regulated entities, including municipalities.

Recognizing this, a number of states have enacted laws that limit state agency authority to adopt environmental rules and regulations more stringent than federal law requires. According to the National Council of State Legislatures (NCSL), "At least 19 states have one or more laws limiting state agency authority to adopt environmental standards. Statutes generally fall into one of two categories: (1) statutes imposing an unconditional restriction on state agency authority; and (2) statutes imposing a conditional restriction on state agency authority."

Smaller communities throughout Connecticut are bumping up against this issue under the state Department of Energy & Environmental Protection's (DEEP) proposed MS4 General Permit. Currently, the United States Environmental Protection Act (EPA) requires municipalities that own and operate storm sewer systems in Urbanized Areas to comply with MS4 General Permits in accordance with EPA standards.

Although EPA authorizes the state to regulate municipalities that are not considered Urbanized Areas under the federal law, it is not required to do so. Why? Because stormwater issues are generally linked to population density. Smaller, rural towns do not have a significant amount of



impervious cover – roads, parking lots, etc. – which create water quality problems relative to stormwater runoff.

Recognizing the financial burden that these requirements place on smaller communities, other states have rejected efforts to impose permit requirements on towns that are not considered urbanized areas\* under the federal definition. *\*An area having a population density of 1,000 or more people per square mile based on the 2010 U.S. Census Bureau data.*

Competing demands and limited municipal budgets will make it difficult or impossible for municipalities to comply with the permit, opening them up to potential enforcement action and citizens' lawsuits. Recognizing the considerable financial burden and potential liability that these requirements will place on small towns, we believe DEEP should refrain from covering them under the general permit and, instead, work with communities to encourage them to adopt meaningful stormwater programs.

Connecticut's small towns recognize the importance of protecting water quality in our communities and have embraced efforts to protect the state's water and other natural resources by preserving open space and watershed lands, addressing non-point source pollution, and adopting "green" land use regulations. However, we are concerned that DEEP's General Permit – even as revised – contains overly prescriptive requirements and "make work" provisions that undermine the ability of municipalities to address stormwater and water quality issues at the local level. Addressing unique local and regional stormwater issues requires flexibility to ensure that limited financial resources can be used in a way that maximizes the impact of MS4 operations in addressing water quality issues.

Thank you for your attention to these matters.